



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,222	01/18/2002	Markus Imhof	112740-516	9377

29177 7590 03/25/2005

BELL, BOYD & LLOYD, LLC
P. O. BOX 1135
CHICAGO, IL 60690-1135

EXAMINER

WEST, LEWIS G

ART UNIT PAPER NUMBER

2682

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,222

Applicant(s)

IMHOF, MARKUS

Examiner

Lewis G. West

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 papers.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matero (US 6,215,988) in view of Haartsen (US 6,574,266).

Regarding claim 9, Matero discloses a terminal for telecommunication via switching centers in a UMTS mobile radio network, comprising: a transmitter part and a receiver part for message transmission in a freely available frequency range in an ISM band; and a transceiver part for message transmission in the UMTS mobile radio network, the transceiver part including at least one of tunable oscillators and filters shared by both the transmitter part and the receiver part (Col. 1 lines 13-25; Col. 4 lines 28-44; Figure 3), but does not expressly disclose 2.4 GHz. Haartsen discloses communication that may take place in a mobile cellular communication network or network free in a freely available communication range at 2.4 GHz, which is Bluetooth. (Col. 8 lines 6-24; Col. 9 lines 5-53) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use an ISM 2.4 GHz for a network free communication, as licensing is not necessary and the previously existing standards such as Bluetooth and

Art Unit: 2682

certain IEEE standards use 2.4 GHz and hardware would already exist to implement such connection, and network free connections improve efficiency. (Haartsen col. 3 lines 39-45)

Regarding claim 10, a terminal for telecommunication as claimed in Claim 9, wherein the transceiver part is separate from both the transmitter part and the receiver part. (Matero; Figure 3)

Regarding claim 11, a terminal for telecommunication as claimed in Claim 9, wherein the terminal has an operating state that supports an unprotected multi-subscriber connection in the freely available frequency range. (Haartsen col. 12 lines 50-62)

Regarding claim 12, the combination of Matero and Haartsen discloses a system comprising an encoder for encoding a message signal to be transmitted in the freely available frequency range based on a CDMA process {Bluetooth is a CDMA process}. (Haartsen, Col. 4 line 26-67)

Regarding claim 13, the combination of Matero and Haartsen discloses a terminal for telecommunication as claimed in Claim 12, wherein the encoding includes exchanging a key with a partner terminal for setting up a connection in the freely available frequency range. (Haartsen, Col. 4 line 26-67)

Regarding claim 14, the combination of Matero and Haartsen discloses a terminal for telecommunication as claimed in Claim 12, wherein a key for the encoding can be set by a user. (Haartsen, Col. 4 line 26-67)

Regarding claim 15, the combination of Matero and Haartsen discloses a system comprising an decoder for decoding a message signal to be transmitted in the freely

Art Unit: 2682

available frequency range based on a CDMA process {Bluetooth is a CDMA process}

(Haartsen, Col. 4 line 26-67)

Regarding claim 16, the combination of Matero and Haartsen discloses a terminal for telecommunication as claimed in Claim 15, wherein the decoding includes exchanging a key with a partner terminal for setting up a connection in the freely available frequency range. (Haartsen, Col. 4 line 26-67)

Regarding claim 17, the combination of Matero and Haartsen discloses a terminal for telecommunication as claimed in Claim 15, wherein a key for the decoding can be set by a user. (Haartsen, Col. 4 line 26-67)

Regarding claim 18, the combination of Matero and Haartsen discloses a system wherein the terminal is assigned a user identification for the message transmission in the freely available frequency range, and wherein the transmitter part transmits the user identification of a desired partner terminal for setting up a connection in the freely available frequency range. (Haartsen, Col. 4 line 26-67)

Regarding claim 19, the combination of Matero and Haartsen discloses a terminal for telecommunication as claimed in Claim 9, wherein the terminal is assigned a user identification for the message transmission in the freely available frequency range, and wherein the receiver part monitors the freely available frequency range for the transmission of the assigned user identification and generates a warning signal for the user if the transmission of the user identification is detected. (Haartsen, Col. 4 line 26-67)

Art Unit: 2682

Conclusion

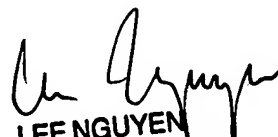
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lewis West
(703) 308-9298



LEE NGUYEN
PRIMARY EXAMINER